

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEPTEMBER 26, 1991

Mr. Allen R. Schaeffer Assistant Director, Engineering Manager,  
Environmental Affairs  
American Trucking Associations  
2200 Mill Road  
Alexandria, Virginia 22314-4677

Dear Mr. Schaeffer:

Thank you for your letter of March 28, 1991, requesting a delay in the imposition of the toxicity characteristic (TC) rule on oil filters, because of its impact on the recycling of used oil and oil filters.

The Environmental Protection Agency (EPA) has addressed this issue in the enclosed used oil supplemental proposal notice, which was published in the Federal Register on September 23, 1991. The notice covers the used oil listing alternatives and alternative standards for managing recycled used oil. EPA will issue the final used oil regulation by May 1, 1992.

For the following reasons, EPA does not believe a TC exemption for used oil filters is needed at this time:

- the available TC data related to used oil filters suggest that crushed filters may not exhibit the TC; and
- as I explained my October 30, 1990, memorandum to Robert L. Duprey of EPA Region VIII, there are existing exemptions for recycled used oil and recycled used oil filters; no TC determination is necessary for oil filters destined for recycling.

As discussed in the supplemental proposal (Appendix A contains the pertinent portion of the proposal), analytical data suggest that used oil filters devoid of free-flowing oil are likely to be non-hazardous (i.e., they will pass the TC test). In addition, the supplemental proposal requests comment on specific issues on used oil filters, such as:

- what methods (e.g., draining, crushing, dismantling, centrifuging, and cleaning with solvent) could be employed to remove used oil from oil filters;
- what criterion defines adequate "crushing";

- should the “one-drop” approach be used to determine when a used oil mixture ceases to become “oil-free” solid waste; and
- should oil filters containing insignificant quantities of free-flowing oil be disposed of in municipal landfills.

Depending on public comments, EPA may finalize standards for managing used oil filters when finalizing the used oil regulation.

If the used oil rule becomes final as proposed, used oil collected from oil filters would be subject to §3014 used oil management standards; crushed or oil-free filters would continue to be managed under the RCRA scrap metal exemption, or may be disposed of in municipal landfills, provided the State allows such disposal. In the interim, EPA may issue a directive discussing management alternatives for generators of used oil filters who are unable to recycle drained and crushed filters under the scrap metal exemption for economic or technical reasons (e.g., reluctance of scrap metal handlers to accept oil filters).

If you have any further questions concerning the supplemental notice, feel free to contact Ms. Rajni Joglekar at (202) 260-3516. Thank you for your interest in the safe and effective management of hazardous waste.

Sincerely yours,

Sylvia K. Lowrance, Director  
Office of Solid Waste

Enclosure